

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

ST. PAUL FIRE AND MARINE INSURANCE
COMPANY

Plaintiff,

v.

TRANSAMERICA OCCIDENTAL LIFE
INSURANCE COMPANY, et al.

Defendants.

Civil Action No.: WDQ-02-3123

* * * * *

ORDER

Upon consideration of the Motion for Partial Summary Judgment filed by Plaintiff St. Paul Fire and Marine Insurance Company, and any response thereto, it is this _____ day of _____, 2003, pursuant to Fed. R. Civ. P. 56, hereby ORDERED, that Plaintiff's Motion for Partial Summary Judgment is GRANTED as to all Defendants, and that judgment is entered as follows:

As to Count II (Breach of Contract), judgment is entered in favor of St. Paul against each Defendant in the amount of each Defendant's proportionate share of the judgment and interest paid by St. Paul in the Litigation pursuant to St. Paul's obligations under the Appeal Bond, in the respective amounts set forth below:

I. Defendant	II. Agreed Share	III. Potential Liability as to Full Amount of the Judgment Paid to the Clarks	IV. Credit for Share of Amount Received from Security's Letter of Credit	V. Amount of Judgment
American United Life Insurance Company	2.55%	\$191,951.60	\$39,116.19	\$152,835.41

I. Defendant	II. Agreed Share	III. Potential Liability as to Full Amount of the Judgment Paid to the Clarks	IV. Credit for Share of Amount Received from Security's Letter of Credit	V. Amount of Judgment
First Allmerica Financial Life Insurance Company	0.4250%	\$31,991.93	\$6,519.36	\$25,472.57
Connecticut General Life Insurance Company	10.6250%	\$799,798.35	\$162,984.11	\$636,814.24
General and Cologne Life Re of America (formerly known as Cologne Life Reinsurance Company)	12.7500%	\$959,758.02	\$195,580.94	\$764,177.08
Combined Insurance Company of America	2.3375%	\$175,955.64	\$35,856.51	\$140,099.13
Crown Life Insurance Company <i>and</i> Canada Life Insurance Company of America	1.2219%	\$91,978.69	\$18,775.77	\$73,202.92
The Equitable Life Assurance Society of the United States	1.2750%	\$95,975.80	\$19,558.09	\$76,417.71
Manufacturers Life Insurance Company	8.5000%	\$639,838.68	\$130,387.30	\$509,451.38
Phoenix Life Insurance Company (formerly known as Phoenix Home Life Mutual Insurance Company)	0.4250%	\$31,991.93	\$6,519.36	\$ 25,472.57
Principal Life Insurance Company (formerly known as Principal Mutual Life Insurance Company)	1.0625%	\$79,979.84	\$16,298.41	\$63,681.43
Sun Life Assurance Company of Canada	3.9313%	\$295,929.15	\$60,369.32	\$235,559.83
Transamerica Occidental Life Insurance Company	12.1125%	\$911,770.12	\$185,801.89	\$725,968.23
Unum Life Insurance Company of America	1.0625%	\$79,979.84	\$16,298.41	\$63,681.43

I. Defendant	II. Agreed Share	III. Potential Liability as to Full Amount of the Judgment Paid to the Clarks	IV. Credit for Share of Amount Received from Security's Letter of Credit	V. Amount of Judgment
Swiss Re Life & Health America, Inc. (as successor to The Mercantile and General Reinsurance Company Ltd.)	22.6312%	\$1,703,566.72	\$347,090.97	\$1,356,475.75
Swiss Re Life & Health America, Inc. (as successor to Swiss Re Life Company America, sued as Swiss Re Life Company of America)	0.6906%	\$51,985.01	\$10,561.37	\$41,423.64
TOTAL	81.6%	\$6,142,451.32	\$1,251,718.00	4,890,733.32

William D. Quarles, Judge